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September 13, 2024

VIA ECF

Hon. Kenneth M. Karas
United States District Judge
United States District Court
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: Mastin v. Optum Care, Inc., et al., 24-cv-05575-KMK

Dear Judge Karas:

This firm represents the defendants, Optum Care, Inc. ("Optum") and Dr. Wyatt Decker, in the above matter. The parties have conferred regarding Defendants' anticipated motion to dismiss and have resolved their dispute, subject to the Court's approval.

Defendants removed this action on July 23, 2024. ECF No. 1. In accordance with Section II(A) of the Court's Individual Practice Rules regarding motions to dismiss in lieu of an answer, Defendants filed their pre-motion letter to Plaintiff on August 20, 2024. ECF No. 11. Plaintiff responded on August 21, 2024, and indicated (among other things) that Plaintiff will seek leave to amend the Complaint. ECF No. 12. The Court scheduled a pre-motion conference for September 20, 2024, at 10 a.m. ECF No. 13.

The parties conferred regarding their respective positions on Defendants' anticipated motion to dismiss and have come to a resolution. Plaintiff agreed to dismiss Wyatt Decker from this case, with prejudice,¹ and Optum agreed to withdraw its request for a pre-motion conference, and, with the Court's permission, will answer Plaintiff's Amended Complaint within twenty days after she files it.

Accordingly, we respectfully request that the Court: (1) cancel the pre-motion conference scheduled for September 20, 2024; (2) grant Plaintiff leave to file an amended complaint; and (3) permit Optum to file its answer within twenty days after Plaintiff files her amended complaint.

We thank the Court for its consideration.

¹ The parties are filing this Stipulation of Dismissal with the Court after the filing of this letter.



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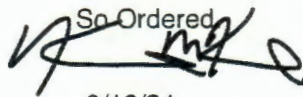
Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John DiNapoli

All requests are granted. The Amended
Complaint is to be filed by 10/2/24.

John DiNapoli

So Ordered

9/18/24

cc: Jordan El-Hag, Esq.
Cameron A. Smith, Esq.